



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,595	09/25/2003	Kouji Yokouchi	2091-0289P	1313

2292 7590 01/25/2007  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
----------

PHUONG, DAI

ART UNIT	PAPER NUMBER
----------	--------------

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/25/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/25/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Office Action Summary**

Application No.

10/669,595

Applicant(s)

YOKOUCHI, KOUJI

Examiner

Dai A. Phuong

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/22/2006 has been entered.

***Response to Amendment***

2. Applicant's arguments, filed 11/22/2006, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 1-30 are currently pending.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross et al. (Pub. No: 20040137886) in view of Brady, Jr. (U.S. 7071842).

Regarding claim 1, Ross et al. disclose a coupon or ad sending method for sending a coupon or ad message from a sender terminal to a recipient mobile terminal as a destination of the coupon or ad message (fig. 1, [0026] to [0033] and [0061] to [0066]), the method comprising the steps of:

storing the coupon or ad message sent with a reception location being specified by the sender terminal (fig. 1, [0026] to [0033] and [0061] to [0066]);

making a judgment as to whether or not the recipient mobile terminal particularly specified in the coupon or ad message is at the reception location (fig. 1, [0026] to [0033] and [0061] to [0066]); and

sending the coupon or ad message to the recipient mobile terminal in the case where a result of the judgment is affirmative (fig. 1, [0026] to [0033] and [0061] to [0066]).

However, Ross et al. do not disclose an e-mail sending method for sending an e-mail message from a sender terminal to a recipient mobile terminal as a destination of e-mail message.

In the same field of endeavor, Brady, Jr. disclose an e-mail sending method for sending an e-mail message from a sender terminal to a recipient mobile terminal as a destination of e-mail message (col. 2, lines 4-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cellular phone of Ross et al. by specifically including disclose an e-mail sending method for sending an e-mail message from a sender terminal to a recipient mobile terminal as a destination of e-mail message, as taught by Brady, Jr., the motivation being in order to provide a new and improved matching system and method that connects mobile users with their expressed favorite or desired types of people, places and/or things as they travel and also provide a new and improved matching system and method that uses the exact, stated preferences of the users to allow information to be specifically targeted to users who are the most likely interested in the information.

Art Unit: 2617

Regarding claim 2, the combination of Ross et al. and Brady, Jr. disclose all the limitation in claim 1. Further, Brady, Jr. discloses the E-mail sending method wherein, in the case where the E-mail message sent from the sender terminal designates reception time (col. 6, line 50 to col. 7, line 54), the step of making a judgment is the step of making a judgment as to whether or not the reception time has come, in addition to the judgment as to whether or not the recipient mobile terminal is at the reception location (col. 6, line 50 to col. 7, line 54), and wherein the step of sending the E-mail message is the step of sending the E-mail message to the recipient mobile terminal in the case where a result of the judgment as to whether or not the reception time has come becomes affirmative and the result of the judgment as to whether or not the recipient mobile terminal is at the reception location is also affirmative (col. 6, line 50 to col. 7, line 54).

Regarding claim 3, the combination of Ross et al. and Brady, Jr. disclose all the limitation in claim 2. Further, Brady, Jr. discloses the E-mail sending method further comprising the step of sending the E-mail message to the recipient mobile terminal in the case where the result of the judgment as to whether or not the recipient mobile terminal is at the reception location is negative after a predetermined time has elapsed since starting of the judgment as to whether or not the reception time has come (col. 6, line 50 to col. 7, line 54).

Regarding claim 4, the combination of Ross et al. and Brady, Jr. disclose all the limitation in claim 1. Further, Brady, Jr. discloses the E-mail sending method further comprising the step of sending the E-mail message to the recipient mobile terminal in the case where the result of the judgment as to whether or not the recipient mobile terminal is at the reception

location is negative after a predetermined time has elapsed since transmission of the E-mail message by the sender terminal (col. 6, line 50 to col. 7, line 54).

Regarding claim 5, the combination of Ross et al. and Brady, Jr. disclose all the limitation in claim 3. Further, Ross et al. disclose the E-mail sending method further comprising the step of sending an E-mail message to the sender terminal for notifying that the E-mail message has been sent ([0061] to [0066]).

Regarding claim 6, the combination of Ross et al. and Brady, Jr. disclose all the limitation in claim 4. Further, Ross et al. disclose the E-mail sending method further comprising the step of sending an E-mail message to the sender terminal for notifying that the E-mail message has been sent ([0061] to [0066]).

Regarding claim 7, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 8, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 9, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 10, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 1.

Art Unit: 2617

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 21, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 22, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 23, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 24, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 25, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 26, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 27, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 28, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 29, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 30, this claim is rejected for the same reason as set forth in claim 4.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

AU: 2617

Date: 01-12-2007



**DUC M. NGUYEN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**